IN THE HIGH OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

(*Special Original Jurisdiction*)

TUESDAY, THE ELEVENTH DAY OF DECEMBER
TWO THOUSAND AND SEVEN

P R E S E N T

THE HON'BLE SRI JUSTICE P.S. NARAYANA

* * *

WRIT PETITION No.26447 of 2007

Between:

P. Tangaraj Reddy … Petitioner

Versus

The Deputy Director of Mines & Geology
Guntur, Guntur District & Anr. … Respondents

Counsel for the Petitioner: **SRI NARAHARI BABU**

Counsel for the Respondents: **GP for MINES & GEOLOGY**

THE HON'BLE SRI JUSTICE P.S. NARAYANA

* * *

WRIT PETITION No.26447 of 2007

O R D E R :

Heard the counsel.

2. Sri P. Narahari Babu, the learned counsel representing the petitioner states that the seizure effected is without jurisdiction.

3. The learned Asst. Govt.Pleader however would submit that there is a penal provision and penalty can be levied.

4. It is needless to say that the respondents are at liberty to invoke such powers relating to imposition of penalty if the respondents are inclined to do so.

5. The writ petition is filed for a writ of mandamus, declaring the action of respondents in seizing the vehicle bearing no.AP-16 TU-6105 of the petitioner without following any procedure under statute as illegal, arbitrary and violative of Article 19 and 21 of the Constitution of India and consequently to direct the respondents to release the vehicle from the custody of second respondent and to pass such other suitable orders as this Court may deems fit and proper in the interest of justice.

6. Several facts had been narrated in the affidavit filed in support of the writ petition.

7. In the light of the facts and circumstances, in-as-much-as, the respondents are not empowered to seize the vehicle in question.

Let the respondents release the vehicle bearing no.AP-16 TU-6105 to the petitioner forthwith. It is also made clear that the respondents are at liberty to take other steps if any if they are inclined to do so.

8. Accordingly, the writ petition is allowed to the extent indicated above. No costs.

JUSTICE P S NARAYANA.

10/12/2007.

NB:
Furnish CC of the order
today.
B/o. lsL.